

WILLKIE FARR & GALLAGHER LLP

1875 K Street, N.W.
Washington, DC 20006-1238

Tel: 202 303 1000
Fax: 202 303 2000

July 5, 2023

VIA ECF AND EMAIL

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Petróleos de Venezuela, et al. v. MUFG Union Bank, N.A., et. al.*, 19-cv-10023 (KPF)

Dear Judge Failla:

We represent Plaintiff-Counterclaim Defendant PDV Holding, Inc. (“PDVH”) in the above-captioned action. Pursuant to Rule 2(B) of this Court’s Individual Rules of Practice for Civil Cases, PDVH respectfully submits this letter in response to the letter filed on June 30, 2023 by Christopher J. Clark regarding the new action his firm has filed on behalf of non-party VR Global Partners, L.P. *See* ECF No. 258; *VR Global Partners, L.P. v. PDVSA, et al.*, No. 23-cv-5604 (S.D.N.Y. June 29, 2023) (the “VR Action”).

PDVH has not yet been served in the VR Action and, if validly served, will respond to the contentions made in that action at an appropriate time. With respect to the contentions made in Mr. Clark’s letter as to the relatedness of the VR Action to this one, PDVH takes no position on whether the Court should accept the VR Action as related under Rule 13 of the S.D.N.Y. Rules for the Division of Business Among District Judges.

PDVH notes, however, that there are serious questions regarding the candor of Mr. Clark’s representation regarding what parties Mr. Clark continues to represent in this action. In his letter, Mr. Clark states that his firm represents “Defendants” in this action in addition to representing VR Global Partners, L.P. in the VR Action. ECF No. 258, at 1. That representation, of course, would suggest that the Defendants in this action consented to Mr. Clark’s letter, and potentially to the filing of the VR Action itself. However, PDVH understands that neither Mr. Clark nor his new firm represent the Trustee, the Collateral Agent, or any party to this action, contrary to the representations made in that letter, and also calling into question the notice of change of address Mr. Clark filed on June 30, 2023. *See* ECF No. 257. This Court may wish to request that Mr. Clark clarify which, if any, parties he represents in this action before taking further action.

Respectfully submitted,

s/ Michael J. Gottlieb

cc: Counsel of record for all parties via ECF